

HONORABLE RONALD B. LEIGHTON

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

AURORA LOAN SERVICES, LLC,

Plaintiffs,

v.

ALLEN CABIAO, ESTRELLA CABIAO, et
al.,

Defendants.

No. C10-5741RBL

ORDER REMANDING CASE TO
PIERCE COUNTY SUPERIOR COURT
[Dkt. #12]

THIS MATTER is before the Court on Plaintiff's Motion to Remand this state law eviction (unlawful detainer) case back to Pierce County Superior Court. [Dkt. #12]. Defendants timely Removed the matter, citing the following bases: 28 U.S.C. §1331, Federal Question; Article III of the United States Constitution; 28 U.S.C. §1332, Diversity; 42 U.S.C. §1983, 7th Amendment; and Article 4 section 4. Defendants are pro se.

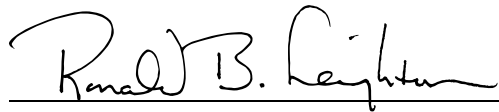
Plaintiff seeks remand, arguing that there is no diversity of citizenship and thus no diversity jurisdiction, and that its Complaint does not raise any Federal Question giving rise to jurisdiction in this Court. Defendants have not responded to the Motion to Remand.

It is apparent from the pleadings before the Court that there is no diversity jurisdiction; the parties are both residents of Washington. It is also apparent that while the Defendants may feel that some Constitutional right is at stake, the Plaintiff's Complaint is a straightforward unlawful detainer action under state law only. Nothing in that pleading raises a Federal Question.

1 This court does not have Subject Matter Jurisdiction, and the Motion to remand is
2 GRANTED. The matter is REMANDED back to the Pierce County Superior Court.

3 **IT IS SO ORDERED.**

4 Dated this 3rd day of March, 2010.

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7 RONALD B. LEIGHTON
8 UNITED STATES DISTRICT JUDGE
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